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Filing date: **07/03/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91178514
Party	Plaintiff The International Investment Group L.L.C.
Correspondence Address	Karl M. Zielaznicki, Esq. Troutman Sanders LLP 600 Peachtree St., NE, Suite 5200 Atlanta, GA 30308-2216 UNITED STATES trademarks@troutmansanders.com,christina.russo@troutmansanders.com,karl.zielaznicki@troutmansanders.com
Submission	Motion to Compel Discovery
Filer's Name	Karl M. Zielaznicki
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Date	07/03/2008
Attachments	Opposer's Motion to Test the Sufficiency of Applicant's Response to Opposer's Request for Admission.pdf (10 pages)(36477 bytes) Exhibits to Opp's Motion to Test the Sufficiency of App's Resp to Opp's Request for Admit.pdf (33 pages)(803972 bytes)

INTERNATIONAL INVESTMENT GROUP, L.L.C.,)	
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Opposer,)	Opposition No. 91178514
)	
)	Serial Nos. 78/840,184 & 78/840,194
v.)	
)	
)	Mark: IIG
IIG S.A.,)	
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Applicant.)	
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along with the relevant discovery request and response, and correspondence between counsel, attached hereto as exhibits.

A. INTRODUCTION

Opposer International Investment Group L.L.C. is a leading investment management firm in the alternative investment market, offering asset management and financial advisory services in the United States and abroad. Opposer is also an investment advisor registered with the Securities and Exchange Commission (“SEC”). It has used the IIG mark since 1994, and is the undisputable senior user of the mark. Opposer has a number of affiliates that also offer financial services, one of which is a broker-dealer registered with the SEC and the Financial Industry Regulatory Authority. Opposer’s affiliates also use the IIG mark.

Applicant IIG, s.a. is, from what limited information Opposer has been able to gather, a sham company and clearly a junior user of the IIG mark. Applicant professes to offer banking and insurance brokerage services; however, to Opposer’s knowledge, Applicant does not operate a legitimate and ongoing business. Further complicating matters, and raising Opposer’s suspicions, Applicant has failed to provide meaningful and useful answers to Opposer’s request for admissions. Despite the fact that many of the requests to admit inquire into core and common areas of this type of trademark case and go to the heart of this type of proceeding, Applicant has maintained an obstructionist stance. For example, Applicant has not answered the very basic request to admit whether Applicant existed as a legal entity on a certain date. Opposer has only been left to speculate that Applicant is engaged in fraudulent activities, and not in any real or legitimate business.

Regardless of what Applicant does or does not do, however, one fact is clear: Applicant is a junior user of the IIG mark. Applicant admits that it did not start using the IIG mark until April 14, 2004, an entire decade after Opposer began using the mark. By that time, Opposer had clearly established itself as a trusted provider of financial services, with global outreach. Applicant's use of the same IIG mark in a similar industry constitutes an attempt to infringe on Opposer's good will and reputation. Further Applicant now has not sufficiently answered Opposer's request for admission in a manner which provides Opposer with definitive information about Applicant's alleged use of the mark.

The likelihood of confusion, as well as the potential for deception, among customers who look for the IIG mark is great. To Opposer's customers the IIG mark – which Opposer first used in 1994 and has used continuously since – conveys assurance of reputable and quality financial services. Allowing Applicant to use the IIG mark could create a false suggestion of a connection between Opposer and Applicant, potentially soiling Opposer's hard-earned reputation as a provider of excellent investment and financial services. Opposer can not sit idly by and allow Applicant to infringe on its reputation and potentially harm Opposer's customers.

B. PROCEDURAL HISTORY

Applicant filed its trademark application nos. 78840184 and 78840194 on March 17, 2006, seeking registration, respectively, of the IIG mark and design, and for the IIG mark in the U.S. Patent and Trademark Office. Opposer filed its trademark application no. 77113244, seeking registration for the IIG mark and design, on February 22, 2007. On July 23, 2007, Opposer timely filed a notice of Opposition to Applicant's applications, and stated that Opposer is the first user of the IIG mark. Applicant, on the other hand, contends in its trademark

application – a contention they make without having produced a single piece of evidence throughout the discovery period which can support it – that it first used the IIG mark on April 14, 2004. To the contrary, it is Opposer who has produced evidence corroborating its position, that it was the first user of the IIG mark, and that it has used the mark continuously since 1994.

As set forth in its Notice of Opposition¹, Opposer argued several grounds for contesting Applicant's trademark applications. First, Opposer believes that the services offered under Applicant's mark, IIG, s.a., are likely to be offered to the same customers and through the same channels of trade as the services offered under Opposer's mark, IIG, L.L.C. Second, Opposer also believes that the continued use and proposed registration of Applicant's mark is likely to cause confusion, or mistake or deception of customers as to the respective marks owned by the parties, as well as to the sources of the services offered, or will deceive, mislead the trade and the public in general to believe that Opposer is the source of Applicant's services and/or that Applicant's service are sponsored, licensed, approved or endorsed by Opposer. Third, Applicant's continued use and proposed registration of the mark is likely to cause confusion with Opposer's rights in its IIG mark, in violation of Section 2(d) of the Trademark Act of 1946, as amended (15 U.S.C. §1052(d)). Fourth, Opposer also believes that Applicant's continued use of the mark is calculated or likely to cause irreparable loss, injury and damage to Opposer's reputation and would permit Applicant to trade on Opposer's rights and goodwill in its IIG mark. Fifth, Applicant's IIG marks are a misappropriation of Opposer's prior rights in its IIG mark and any use and registration of the mark by Applicant will disparage and falsely suggest a connection with Opposer in violation of Section 2(a) of the Trademark Act of 1946, as amended (15 U.S.C. 1052(a)), resulting in irreparable harm and injury to Opposer. Finally, Opposer believes that

¹ Attached hereto as Exhibit 12 is a copy of Opposer International Investment Group, L.L.C.'s Notice of Opposition, filed with the United States Patent and Trademark Office on July 23, 2007.

Applicant failed to use the IIG mark, as set forth in their trademark application, in interstate commerce prior to the claimed first use date.

As pertains to this motion to test the sufficiency of Applicant's answers to Opposer's request for admission, Opposer served its request for admission on May 8, 2008.² Applicant responded to Opposer's requests on June 12, 2008.³ As explained below, these answers are generally insufficient, evasive, and do not comply with Applicant's discovery obligations.

Discovery in this matter closed on May 8, 2008. Opposer's testimonial phase opens on July 5, 2008. Therefore, this motion is timely. TBMP §524.03.

C. GOOD FAITH EFFORTS TO RESOLVE

Pursuant to the Board's rules, when making a motion to test the sufficiency of answers to request for admissions, the moving party must include a statement that such party or their attorney has made a good faith effort, by conference or correspondence, to resolve with the other party or the attorney therefor the issues presented in the motion and has been unable to reach agreement. TBMP §524.02. With the goal of amicable resolution, Opposer has sought in good faith to settle these discovery issues without the need to resort to applications to this Board.

Most recently, by letter dated June 30, 2008, counsel for Opposer specifically put counsel for Applicant on notice that Opposer intended to file a motion to compel if Applicant did not provide full and complete answers to Opposer's requests for admission, proposed a specific date and time for a conference call, and informed counsel for Applicant that they were available at

² Attached hereto as Exhibit 1 is a copy of Opposer's First Set of Requests for Admissions to Applicant.

³ Attached hereto as Exhibit 2 is a copy of Applicant's Responses to Opposer's First Set of Request for Admissions to Applicant.

Applicant's counsel's convenience to discuss these matters.⁴ However, counsel for Applicant did not respond to this letter and did not participate in the proposed conference call. Undeterred, counsel for Opposer proposed another time for a conference call to discuss the deficiencies in Applicant's discovery, and reiterated that they remained available at any time to meet with Applicant's counsel.⁵ Finally, counsel for Applicant responded on July 2, 2008. However, Applicant's counsel was evasive and gave no indication that Applicant would amend any of its discovery responses.

Thus, after several attempts by Opposer's counsel to meet with Applicant's counsel to resolve this matter, it is clear that a resolution of this discovery issue without resorting to a motion to this Board will not be possible.

D. APPLICANT'S DISCOVERY NONCOMPLIANCE

Discovery in a proceeding before the TTAB is governed by the Federal Rules of Civil Procedure, Rule 26(b)(1). TBMP §402.01. Rule 26(b)(1) provides, in part, that "[p]arties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter." Further, Rule 26(b)(1) states that "Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence." *Id.* Thus, the Federal Rules provide for broad and liberal discovery. Each party has a duty to make a "good faith effort to satisfy the discovery needs of its adversary." TBMP §§402.01 and 408.01. However, Applicant has evaded its discovery

⁴ See June 30, 2008 Letter from Elizabeth Billingsley, Esq. to Barbara Loewenthal, Esq., attached hereto as Exhibit 3.

⁵ See July 1, 2008 Letter from Elizabeth Billingsley, Esq. to Barbara Loewenthal, Esq., attached hereto as Exhibit 4.

obligations with manifestly illogical and obstructionist objections and non-responsive discovery replies.

Copies of Opposer's Request for Admission to Applicant, as well as Applicant's responses, are appended to this motion as exhibits. TBMP §524.02. The specific requests for admission for which insufficient answers were provided, and for which Opposer seeks the Board's intervention, are described further below. Fed.R.Civ.P.37(a)(4).

1. Opposer's Concerns Regarding Deficiencies in Applicant's Responses to Opposer's Request for Admission

Opposer is dissatisfied with certain answers and objections to its Requests for Admissions. Specific concerns are detailed below.

a. Request for Admission No. 2

This Request asks for an admission that IIG, s.a. did not exist as a legal entity until December 3, 2007. Applicant's answer that it "lacks knowledge or information" sufficient to answer this request, citing a continuing inquiry and the potential for an opinion of foreign counsel, is insufficient. IIG, s.a. must know when it became a legal entity. Opposer has requested that Applicant amend their response.

b. Request for Admission No. 6

This Request seeks an admission that IIG, s.a. did not use the Applicant's IIG Marks beginning April 14, 2004. Applicant answered that it "lacks knowledge or information" because it is "confusingly worded." Further, Applicant states that Applicant claims the date of first use of the mark "at least as early as April 14, 2008." This is curious, particularly given that Applicant filed its application in March of 2006. Opposer has requested that Applicant amend their response.

c. Request for Admission No. 10

This Request seeks an admission that all banking deposits or funds of Applicant's U.S. customers, maintained with or by Applicant, are located outside of the U.S. Applicant's objections based on relevancy and confidentiality are not well-taken. Opposer has requested that Applicant amend their response.

d. Request for Admission No. 11

This Request seeks an admission that all banking deposits or funds of Applicant's non-U.S. customers, maintained with or by Applicant, are located outside the U.S. Applicant's objections based on relevancy and confidentiality are not well-taken. Opposer has requested that Applicant amend their response..

e. Request for Admission No. 14

This Request seeks an admission that 44 Passeig De Gracia is the address for Granvia Hotel, Barcelona. Applicant has objected on grounds of relevancy, despite the fact that this address was the one previously identified on its website as IIG, s.a.'s address. Opposer has requested that Applicant amend their response.

f. Request for Admission No. 15

This Request seeks an admission that Applicant has been investigated by Interpol. Applicant has objected on grounds of relevancy and states that it "lacks knowledge and information with respect to any investigation being conducted of Applicant by Interpol and is not aware of the same." Applicant's objection is not well-founded. These matters are relevant as they relate to the use and image portrayed by the mark and the potential for taint and tarnishing of Opposer's IIG Marks. Opposer has requested that Applicant amend their response.

E. CONCLUSION

For the foregoing reasons, Opposer respectfully requests that the Board: 1) determine the sufficiency of Applicant's answers to Opposer's request for admission and; 2) if required, order that the matter is admitted or that amended answers be served.

This 3rd day of July, 2008.

Respectfully submitted,

/Karl M. Zielaznicki/

Karl M. Zielaznicki
TROUTMAN SANDERS LLP
Attorneys for Opposer, International Investment
Group, L.L.C.
The Chrysler Building
405 Lexington Ave.
New York, New York 10174
Phone:(212) 704-6125
Fax: (212) 704-5987

VERIFICATION

Under penalty of perjury, I declare that all statements based on personal knowledge are true and all statements are believed to be true.

Karl M. Zielaznicki
/ Karl M. Zielaznicki /

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Opposer's Motion to Test the Sufficiency of Applicant's Response to Opposer's Request for Admission has been served on Applicant's counsel, Barbara Loewenthal, by mailing said copy on July 3, 2008, via First Class

Mail, postage prepaid to: Barbara Loewenthal, Esq. Gottlieb, Rackman & Reisman, P.C., 270
Madison Avenue, New York, NY 10016.

Karl M. Zielaznicki
/ Karl M. Zielaznicki /

EXHIBITS

Discovery Requests and Responses

Exhibit 1 Opposer's First Set of Requests for Admission to Applicant, dated May 8, 2008
Exhibit 2 Applicant's Responses to Opposer's First Set of Request for Admission to
Applicant, dated June 12, 2008

Communications Between Counsel

Exhibit 3 June 30, 2008 Letter from Elizabeth Billingsley, Esq. to Barbara Loewenthal, Esq.
Exhibit 4 July 1, 2008 Letter from Elizabeth Billingsley, Esq. to Barbara Loewenthal, Esq.

Other Exhibits

Exhibit 5 Opposer International Investment Group, L.L.C's Opposition to Applicant IIG,
S.A.'s trademark registration

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

INTERNATIONAL INVESTMENT GROUP, L.L.C.,)	
)	
Opposer,)	Opposition No. 91178514
)	
v.)	Serial Nos. 78/840,184 & 78/840,194
)	
IIG S.A.,)	Mark: IIG
)	
Applicant.)	
)	

**OPPOSER'S MOTION TO TEST THE SUFFICIENCY OF
APPLICANT'S RESPONSE TO OPPOSER'S REQUEST FOR ADMISSION**

EXHIBIT 1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

International Investment Group, L.L.C.,)	
)	
Opposer,)	Opposition No. 91178514
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v.)	Serial Nos. 78/840,184 & 78/840,194
)	
IIG s.a.,)	Mark: IIG
)	
Applicant.)	
)	

OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS TO APPLICANT

In accordance with Rule 36 of the Federal Rules of Civil Procedure, International Investment Group, L.L.C., ("Opposer" or "International"), requests that IIG s.a. ("Applicant" or "s.a.") answer the following requests for admissions and serve such answers on the undersigned counsel within thirty (30) days hereof.

INSTRUCTIONS

1. A matter is admitted unless, within 30 days after being served, the Applicant serves on the Opposer a written answer or objection addressed to the matter and signed by the Applicant or its attorney.

2. If a matter is not admitted, the answer must specifically deny it or state in detail why the Applicant cannot truthfully admit or deny it. A denial must fairly respond to the substance of the matter. The Applicant may assert lack of knowledge or information as a reason for failing to admit or deny only if the Applicant states that it has made reasonable inquiry and that the information it knows or can readily obtain is insufficient to enable it to admit or deny.

3. The grounds for objecting to a request must be stated. The Applicant must not object solely on the ground that the request presents a genuine issue for trial.

DEFINITIONS

1. "Opposer" refers to International Investment Group L.L.C., any predecessor in interest, its subsidiaries, its affiliates and its present and former officers, directors, employees, agents and all other persons acting on its behalf.

2. "Applicant" refers to IIG s.a., any predecessor in interest, its subsidiaries, its affiliates and its present and former officers, directors, employees, agents and all other persons acting on its behalf.

3. "Applicant's IIG Marks" refers to the marks claimed in US Trademark Applications SN 78/840,184 and SN 78/840,194.

4. "Applicant's Services" refers to the services claimed in US Trademark Applications SN 78/840,184 for the mark IIG logo in International Class 36 and SN 78/840,194 for the Mark IIG in International Class 36.

5. "Opposer's IIG Marks" refers to the Opposer's IIG marks as more fully described in paragraphs 1 through 4 of the Notice of Opposition in this proceeding.

REQUESTS

1. The Applicant filed its U.S. federal trademark applications for Applicant's IIG Marks on March 17, 2006.

Response:

2. IIG, s.a. did not exist as a legal entity until December 3, 2007.

Response:

3. On December 3, 2007, Urgell Shipping Line Corp. changed its name to IIG, s.a. through an amendment to the Articles of Incorporation as recorded on Public Deed No. 21,086.

Response:

4. Urgell Shipping Line Corp. did not use the Applicant's IIG Marks beginning April 14, 2004.

Response:

5. Urgell Shipping Line Corp. has never used the Applicant's IIG Marks.

Response:

6. IIG, s.a. did not use the Applicant's IIG Marks beginning April 14, 2004.

Response:

7. IIG, s.a. has never used the Applicant's IIG Marks.

Response:

8. Deb Lambert is identified as the Applicant's domestic representative for purposes of accepting service of "notices or process in proceedings affecting the mark" pursuant to 15 U.S.C.A. § 1051(e).

Response:

9. At some point since filing Applicant's registration applications for Applicant's IIG Marks, Deb Lambert has ceased affiliation with Xion, LLC and the address and phone number identified in Applicant's registration applications.

Response:

10. Admit that all banking deposits or funds of Applicant's United States customers, maintained with or by Applicant, are located outside of the United States.

Response:

11. Admit that all banking deposits or funds of Applicant's non-United States customers, maintained with or by Applicant, are located outside of the United States.

Response:

12. Admit that Applicant is not regulated by US banking laws, rules and relations.

Response:

13. Admit that Applicant is not insured by the FDIC.

Response:

14. Admit that 44 Passeig De Gracia is the address for Granvia Hotel, Barcelona.

Response:

15. Admit that Applicant has been investigated by Interpol.

Response:

This 8th day of May, 2008.

Respectfully submitted,

TROUTMAN SANDERS LLP

By: 

Elizabeth A. Billingsley

Karl M. Zielaznicki

Attorneys for Opposer

1660 International Drive, Suite 600

McLean, VA 22102

Phone: (703) 734-4334

Fax: (703) 734-4340

-and-

c/o Trademark Docket Clerk

600 Peachtree Street, NE

Suite 5200

Atlanta, GA 30308

Phone: (404) 885-3000

Fax: (404) 885-3900

trademarks@troutmansanders.com

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

International Investment Group, L.L.C.,)	
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Opposer,)	Opposition No. 91178514
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IIG s.a.,)	Mark: IIG
)	
Applicant.)	
)	

CERTIFICATE OF SERVICE

The undersigned, an attorney duly admitted to practice before the Bar of the State of Virginia, hereby certifies that on May 8, 2008, I caused to be served a true copy of the foregoing to Applicant via facsimile and Federal Express upon the following attorney and the domestic representative for Applicant:

Barbara Loewenthal
Gottlieb, Rackman & Reisman, P.C.
270 Madison Avenue
New York, NY 10016

Deb Lambert
143569 Miramar Parkway #162
Miramar, FL 33027



Elizabeth A. Billingsley

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

INTERNATIONAL INVESTMENT GROUP, L.L.C.,)	
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Applicant.)	
)	

**OPPOSER'S MOTION TO TEST THE SUFFICIENCY OF
APPLICANT'S RESPONSE TO OPPOSER'S REQUEST FOR ADMISSION**

EXHIBIT 2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

-----X	:	
The International Investment Group L.L.C.,	:	
	:	
Opposer,	:	
	:	
v,	:	Opposition No. 91178514
	:	Serial Nos. 78/840,194 and
	:	78/840,184
IIG S.A.,	:	
	:	
Applicant.	:	
-----X	:	

**APPLICANT'S RESPONSES TO OPPOSER'S
FIRST SET OF REQUEST FOR ADMISSIONS TO APPLICANT**

Applicant IIG S.A., ("Applicant") hereby answers and objects to Opposer International Investment Group, L.L.C.'s ("Opposer") OPPOSER'S FIRST SET OF REQUEST FOR ADMISSIONS TO APPLICANT as set forth below.

GENERAL OBJECTIONS

Applicant incorporates by Reference the General Objections set forth in its First Set of Interrogatories to Opposer and Its First Set of Document Requests to Opposer.

REQUESTS

Request for Admission No. 1

The Applicant filed its U.S. federal trademark applications for Applicant's IIG Marks on March 17, 2006.

Response to Request for Admissions No. 1

Admitted.

Request for Admission No. 2

IIG, S.A. did not exist as a legal entity until December 3, 2007.

Response to Request for Admissions No. 2

Applicant lacks knowledge or information with respect to whether IIG S.A. existed as a legal entity on December 3, 2007. Applicant has made a reasonable inquiry and is continuing to do so. Applicant is not a U.S entity, but rather, is located and organized in Panama and its laws need to be considered and the opinion of foreign counsel may need to be obtained.

Request for Admission No. 3

On December 3, 2007, Urgell Shipping Line Corp. changed its name to IIG, S.A. through an amendment to the Articles of Incorporation as recorded on Public Deed No. 21,086.

Response to Request for Admissions No. 3

Admitted.

Request for Admission No. 4

Urgell Shipping Line Corp. did not use the Applicant's IIG Marks beginning April 14, 2004.

Response to Request for Admissions No. 4

Admitted.

Request for Admission No. 5

Urgell Shipping Line Corp. has never used the Applicant's IIG Marks.

Response to Request for Admissions No. 5

Admitted.

Request for Admission No. 6

IIG, S.A. did not use the Applicant's IIG Marks beginning April 14, 2004.

Response to Request for Admissions No. 6

Applicant lacks knowledge or information to respond to this Request for Admission because the request is confusingly worded. Applicant 's application claims the Applicant, or Applicant's related company or licensee is using the mark on or in connection with the goods, and the Application claims the dates of first use of the mark at least as early as April 14, 2008.

Request for Admission No. 7

IIG, S.A. has never used the Applicant's IIG Marks.

Response to Request for Admissions No. 7

Denied.

Request for Admission No. 8

Deb Lambert is identified as the Applicant's domestic representative for purposes of accepting service of "notices or process in proceedings affecting the mark" pursuant to 15 U.S.C.A. § 1051(e).

Response to Request for Admissions No. 8

Admitted.

Request for Admission No. 9

At some point since filing Applicant's registration applications for Applicant's IIG Marks, Deb Lambert has ceased affiliation with Xion, LLC and the address and phone number identified in Applicant's applications.

Response to Request for Admissions No. 9

Applicant lacks knowledge or information with respect to whether Deb Lambert has ceased affiliation with Xion and whether or not she has an address and phone number identified in Applications.

Request for Admission No. 10

Admit that all banking deposits or funds of Applicant's United States customers, maintained with or by Applicant, are located outside of the United States.

Response to Request for Admissions No. 10

Applicant objects to this Request for Admission on the basis that the location of banking deposits or funds of Applicant's United States customers, maintained with or by Applicant is not relevant to the subject matter of this proceeding. Applicant further objects to this Request because the location of Applicant's customers banking deposits or funds is highly confidential.

Request for Admission No. 11

Admit that all banking deposits or funds of Applicant's non-United States customers, maintained with or by Applicant, are located outside of the United States.

Response to Request for Admissions No. 11

Applicant objects to this Request for Admission on the basis that the location of banking deposits or funds of Applicant's non-United States customers, maintained with or by Applicant it is not relevant to the subject matter of this

proceeding. Applicant further objects to this Request because the location of Applicant's customers banking deposits or funds is highly confidential.

Request for Admission No. 12

Admit that Applicant is not regulated by U.S. banking laws, rules and relations.

Response to Request for Admissions No. 12

Admitted.

Request for Admission No. 13

Admit that Applicant is not insured by the FDIC.

Response to Request for Admissions No. 13

Admitted.

Request for Admission No. 14

Admit that 44 Passeig De Gracia is the address for Granvia Hotel, Barcelona.

Response to Request for Admissions No. 14

Applicant objects to this Request for Admission on the basis that the address of the Granvia Hotel is not relevant to the subject matter of this proceeding.

Request for Admission No. 15

Admit that Applicant has been investigated by Interpol.

Response to Request for Admissions No. 15


Applicant further objects to this Request for Admission on the basis that any such Interpol investigation, assuming there is one, is not relevant to the

subject matter of this proceeding. Applicant also lacks knowledge and information with respect to any investigation being conducted of Applicant by Interpol and is not aware of the same.

Dated: New York, New York
June 12, 2008

Respectfully submitted,

GOTTLIEB, RACKMAN & REISMAN, P.C.

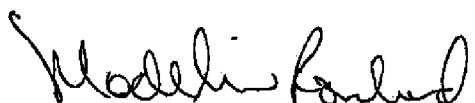
By: 
Barbara H. Loewenthal
Attorneys for Applicant
270 Madison Avenue
New York, NY 10016-0601
(212) 684-3900

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS TO APPLICANT was served on Elizabeth A. Billingsley, Opposer's attorney of record, on June 12, 2008, via first class mail, postage prepaid, addressed as follows as well as by e-mail to the below noted e-mail address:

Elizabeth A. Billingsley
Troutman Sanders LLP
1660 International Drive, Suite 600
McLean, VA 22102
elizabeth.billingsley@troutmansanders.com

Dated: New York, New York
June 12, 2008


Madelin Rowland

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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**OPPOSER'S MOTION TO TEST THE SUFFICIENCY OF
APPLICANT'S RESPONSE TO OPPOSER'S REQUEST FOR ADMISSION**

EXHIBIT 3

— TROUTMAN SANDERS LLP —

A T T O R N E Y S A T L A W
A LIMITED LIABILITY PARTNERSHIP

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June 30, 2008

VIA FEDERAL EXPRESS AND ELECTRONIC MAIL

Barbara H. Loewenthal, Esq.
Gottlieb, Rackman & Reisman, P.C.
270 Madison Avenue
New York, NY 10016-0601

Re: *The International Investment Group, LLC v. IIG, s.a.*;
Opposition No. 91178514 in the United States Patent and Trademark Office
Before the Trademark Trial and Appeal Board

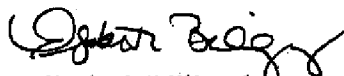
Dear Ms. Loewenthal:

I write to more formally request complete and responsive answers from Applicant IIG s.a. ("Applicant") to Opposer International Investment Group, LLC's ("Opposer") Second Set of Interrogatories and Second Request for Production of Documents and to address Applicant's Responses to the First Set of Requests for Admissions. This letter is sent in a good faith attempt to resolve these issues without the necessity of Board intervention.

As with the first set of discovery responses, the Applicant's responses reflect a half-hearted attempt to comply with its discovery obligations. Substantive responses to Opposer's discovery requests are long overdue. Please see the enclosed Addendum for a detailed analysis of Applicant's deficient responses.

Again, Karl and I are available to discuss these matters any time this week, but we suggest a teleconference on Tuesday, July 1 at 10 a.m. to discuss the deficiencies in both sets of discovery responses. Please let me know if that is convenient. Please be advised, however, that failure to provide full and complete responses by noon on Thursday, July 3, 2008, will result in an application to compel filed with the Board.

Sincerely,


Elizabeth Billingsley

ATLANTA • HONG KONG • LONDON • NEW YORK • NEWARK • NORFOLK • RALEIGH
RICHMOND • SHANGHAI • TYSONS CORNER • VIRGINIA BEACH • WASHINGTON, D.C.

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ADDENDUM

General Concerns

Despite repeated statements throughout the answers to Interrogatories and the Document Requests that Applicant will produce responsive, non-privileged documents, no such documents have been provided. Please do so.

Similarly, Applicant's answers direct Opposer to its website. To the extent that Applicant's website has relevant information, please provide Opposer with access to historic versions of the website as the content has changed since this filing of this action and has been recently updated.

Applicant's general objection reserving the right to object "on any ground at any time to such other or supplemental interrogatories as Opposer may at any time propound involving or relating to the subject matter of the interrogatories to which Applicant now responses" is not well-taken. Applicant's objections, such as they are, are static. Any objections **not** asserted in Applicant's responses are deemed waived.

Applicant asserts that it is preserving, "prior to response and as a condition of responding,...the confidentiality or the proprietary nature of any information which may be produced or the subject matter thereof." Withholding information and production of documents on this ground is specious at best, particularly in light of Applicant's inexcusable delay in reviewing and executing the standard Board protective order. If any information and/or documents are being withheld on these grounds, please provide this information immediately.

Applicant asserts that information is being withheld on grounds of attorney-client privilege and/or work product doctrine. To the extent that this is so, please provide immediately a detailed privilege log with sufficient specificity that Opposer may evaluate the propriety of the assertion of this privilege.

DEFICIENCIES IN APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES

Interrogatory No. 24

A. This Interrogatory seeks the identification and information relating to all internet domain names, web sites, or web pages that Applicant owns, controls or has developed that relate to Applicant's IIG Marks. Applicant's objections that this information is vague, overly broad, and unduly burdensome are improper and not well-taken. Similarly, Applicant's answer

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directs Opposer to its website. To the extent that Applicant's website has relevant information, please provide Opposer with access to historic versions of the website as the content has changed since this filing of this action and has been recently updated. Please supplement this answer.

B. This Interrogatory seeks the identification all websites that feature, carry, or advertise Applicant's IIG Marks. Applicant's objections that this information is vague, overly broad, and unduly burdensome are improper and not well-taken. Please provide all responsive information and access to historic versions of Applicant's website immediately.

Interrogatory No. 25

This Interrogatory seeks the identification of all domain name disputes involving Applicant's IIG Marks. Applicant has objected on grounds of relevancy, even though such information may lead directly to other discoverable information bearing on Applicant's alleged first use of its IIG Marks. Applicant's objection as to the word "involve" as used in this Interrogatory is specious and should be withdrawn. Please supplement this answer immediately.

Interrogatory No. 26

This Interrogatory seeks the identification of all officers, shareholders or partners, comptrollers, bookkeepers, heads of sales, heads of marketing and/or advertising, heads of production, custodians of records, and accountants. Applicant's objection that this Interrogatory is overly broad and unduly burdensome is not well-taken as these individuals may have discoverable information. This Interrogatory also seeks all current and last known contact information for each individual identified. While Applicant has provided the names of three individuals, it has not stated when and which positions these individuals held or their contact information. Please provide this information.

Interrogatory No. 27

This Interrogatory seeks specific information relating to Applicant's predecessors-in-interest with respect to Applicant's IIG Marks. While Applicant has stated that it will produce responsive documents "to the extent they exist," no such documents have been provided. Please supplement the answer to this Interrogatory and provide all responsive documents immediately.

Interrogatory No. 29

This Interrogatory seeks information regarding David Nepo, the individual who designed Applicant's IIG Marks and who provided information on behalf of Applicant in response to Opposer's First Set of Interrogatories. This Interrogatory seeks to clarify Mr. Nepo's role and affiliation with respect to Applicant as well as his current contact information and a summary of relevant information known by Mr. Nepo; however, this answer does not provide any information requested. Please provide this information as there is no legitimate reason to withhold it.

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Interrogatory No. 30

This Interrogatory seeks information regarding Deb Lambert, the individual who had been previously authorized to file Applications on behalf of Applicant. This Interrogatory seeks to clarify Ms. Lambert's former role and affiliation with respect to Applicant as well as her current contact information and a summary of relevant information known by Ms. Lambert; however, this answer does not provide any information requested. Please provide this information as there is no legitimate reason to withhold it.

Interrogatory No. 31

This Interrogatory seeks information relating to Applicant's advertising of its marks, including the identification of all media where Applicant advertises its marks. Applicant's objection that this Interrogatory is overly broad and unduly burdensome is not well-taken. Further, Applicant's answer states that it will provide representative documents "to the extent they exist," is deficient as no documents have been produced to date. Please supplement this answer and provide all responsive documents.

Interrogatory No. 32

This Interrogatory seeks information regarding Applicant's decision to adopt its IIG Marks, including the identification of the date Applicant decided to adopt Applicant's IIG Marks, the motives and reasons for its selections, alternatives considered and any prior marks that were replaced or supplemented by Applicant's IIG Marks. Applicant's objection that this Interrogatory is overly broad and unduly burdensome is not well-founded, and Applicant's answer that Applicant's IIG Marks were adopted because they were "a good indicator of source of Applicant's services" is both unintelligible and deficient. Please supplement this answer.

Interrogatory No. 33

This Interrogatory seeks the identification of the individual who first conceived of the Applicant's IIG Marks and relevant documents. While Applicant identifies David Nepo and states that it will provide representative documents "to the extent they exist," this answer is deficient as no documents have been produced to date. Please supplement this answer and provide all responsive documents.

Interrogatory No. 35

This Interrogatory seeks information relating to Applicant's alleged first use in commerce and interstate commerce of Applicant's IIG Marks, including a description of the circumstances of such first use and all documents concerning each first use identified. Applicant's response, directing Opposer to its applications, is deficient as the documents referenced do not contain the information sought. Please supplement this answer immediately.

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Interrogatory No. 36

This Interrogatory seeks information relating to Applicant's alleged first use in commerce and interstate commerce of Applicant's IIG Marks, including a particularized description of the circumstances of such first use of each of Applicant's IIG Marks in connection with its services. Applicant's response, directing Opposer to its applications, is deficient as the documents referenced do not contain the information sought. Please supplement this answer immediately.

Interrogatory No. 37

This Interrogatory seeks information relating to the way in which Applicant currently uses each of Applicant's IIG Marks in connection with its services. Applicant's response, directing Opposer to its applications and its website, is deficient as the documents referenced do not contain the information sought. Further, to the extent that Applicant's website has relevant information, please provide Opposer with access to historic versions of the website as the content has changed since this filing of this action and has been recently updated. Please supplement this answer immediately.

Interrogatory No. 38

This Interrogatory seeks information regarding the way in which Applicant has used each of Applicant's IIG Marks in connection with its services on a yearly basis since 2004 and all representative documents showing the nature and extent of such usage. Applicant's response, directing Opposer to its applications, is deficient as the documents referenced do not contain the information sought. Further, although Applicant states that it will provide representative documents "to the extent they exist," is deficient as no documents have been produced to date. Please supplement this answer and produce all responsive documents immediately.

Interrogatory No. 39

This Interrogatory seeks information as to the revenue generated by dollar value for Applicant's services rendered under the trademarks from 2004 to the present. Applicant's objection that this Interrogatory is overly broad and unduly burdensome is not well-taken. Further, although Applicant states that it will provide representative documents "to the extent they exist," no documents have been produced to date. Please supplement this answer and produce all responsive documents immediately.

Interrogatory No. 40

This Interrogatory seeks information regarding the channels of trade in which Applicant's services are rendered. The answer directs Opposer to its website. This answer is insufficient. To the extent that Applicant's website has relevant information, please provide Opposer with access to historic versions of the website as the content has changed since this filing of this action and has been recently updated.

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Interrogatory No. 41

This Interrogatory seeks information regarding each product or service offered by Applicant and the type of clients to whom such product or service is offered. Applicant's answer directs Opposer to its applications and its website; however, this answer is deficient as these sources do not contain the information requested. Please supplement this answer.

Interrogatory No. 42

This Interrogatory seeks the identification of all persons Applicant expects to call as fact witness during trial periods in this proceeding. Applicant has not yet identified any fact witnesses. Please note that Opposer will seek to bar any fact witnesses not disclosed during discovery.

Interrogatory No. 43

This Interrogatory seeks all U.S. regulatory and other approvals for Applicant's services in the United States. Applicant has objected that this Interrogatory is unduly burdensome because the information can be "readily accessed" by Opposer. However, Applicant's answers to all other discovery requests make this a challenge for Opposer as Applicant has not even stated where it operates or has sought approvals. Please withdraw the objection and answer this Interrogatory.

Interrogatory No. 44

This Interrogatory seeks all documents that support Applicant's statement that its services are rendered in the United States. Applicant has objected on grounds of breadth and burdensomeness and has stated that it will provide responsive documents; yet, it has not done so. Please provide all responsive documents.

Interrogatory No. 45

This Interrogatory seeks all documents that supports Applicant's statement that its services are lawfully regulated by the U.S. Congress. Applicant has objected on grounds of breadth and burdensomeness and has stated that it will provide responsive documents; yet, it has not done so. Please provide all responsive documents.

Interrogatory No. 46

This Interrogatory seeks all documents and circumstances regarding governmental and criminal investigations of Applicant. Applicant has objected on grounds of relevancy. These matters are relevant as they relate to the use and image portrayed by the mark and the potential for taint and tarnishing of Opposer's IIG Marks. Please withdraw the objection and provide a response to this Interrogatory.

Barbara H. Loewenthal, Esq.

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Interrogatory No. 47

This Interrogatory seeks each and every location where Applicant's services are offered and performed. Applicant's answer that it offers services "throughout the world and throughout the United States," is markedly unspecific and deficient. Please provide a response to this Interrogatory.

**DEFICIENCIES IN APPLICANT'S RESPONSES TO
OPPOSER'S SECOND REQUESTS FOR PRODUCTION OF DOCUMENTS**

With the exception to Applicant's responses to Request 43, the remainder of Applicant's responses each contain the statement that Applicant will produce responsive, non-privileged documents subject to certain of its objections. To date, however, no documents have been provided. To the extent any documents are being withheld pursuant to these objections, please so state. To the extent any documents are being withheld on grounds of attorney-client privilege or work product doctrine, please provide a detailed privilege log with sufficient specificity that Opposer may evaluate the propriety of the assertion of privilege. Similarly, to the extent any documents are being withheld on the grounds that the information requested is confidential, proprietary or trade secrets, they should be produced immediately.

A few Requests merit additional discussion:

Request No. 41

This Request seeks all documents produced in all domain name disputes involving Applicant's IIG Marks, including Case No. 01993 filed in June 2006 with the ADR Center. Applicant has objected on grounds of relevancy, burdensomeness, and because Case No. 01993 is "not a proceeding governed by the Laws of the United States." Please state whatever authority upon which you rely for this last objection. As these objections are not well-founded, the documents should be produced.

Request No. 42

This Request seeks all corporate filings relating to IIG, s.a., including any predecessors-in-interest, including Urgell Shipping Line Corp. Applicant has objected on grounds of breadth and burdensomeness and has stated that it will provide responsive documents; yet, it has not done so. Please provide all responsive documents.

Request No. 44

This Request seeks all documents relating to tax returns filed by Applicant and its predecessors since 2004. Contrary to Applicant's objection, this Request is limited in scope as it seeks documents from 2004 to the present. Please produce the responsive documents.

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Request No. 48

This Request seeks samples of Applicant's web pages from the date of first use. As explained previously, Opposer seeks historical versions of Applicant's website as the content has changed since this filing of this action and has been recently updated. Please provide this information.

**DEFICIENCIES IN APPLICANT'S RESPONSES TO
OPPOSER'S REQUESTS FOR ADMISSIONS**

Opposer is dissatisfied with certain answers and objections to its Requests for Admissions. However, before we seek a ruling from the Board as to the adequacy of the answers or objections, we want to give you the opportunity to amend your responses to the following Requests:

Request No. 2

This Request asks for an admission that IIG, s.a. did not exist as a legal entity until December 3, 2007. Applicant's answer that it "lacks knowledge or information" sufficient to answer this request, citing a continuing inquiry and the potential for an opinion of foreign counsel, is insufficient. IIG, s.a. must know when it became a legal entity. Please amend the response.

Request No. 6

This Request seeks an admission that IIG, s.a. did not use the Applicant's IIG Marks beginning April 14, 2004. Applicant's answer that it "lacks knowledge or information" because it is "confusingly worded." Further, Applicant states that Applicant claims the date of first use of the mark "at least as early as April 14, 2008." This is curious, particularly given that Applicant filed its application in March of 2006. Please amend the response.

Request No. 10

This Request seeks an admission that all banking deposits or funds of Applicant's U.S. customers, maintained with or by Applicant, are located outside of the U.S. Applicant's objections based on relevancy and confidentiality are not well-taken. Please amend the response.

Request No. 11

This Request seeks an admission that all banking deposits or funds of Applicant's non-U.S. customers, maintained with or by Applicant, are located outside the U.S. Applicant's objections based on relevancy and confidentiality are not well-taken. Please amend the response.

Request No. 14

This Request seeks an admission that 44 Passeig De Gracia is the address for Granvia

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Hotel, Barcelona. Applicant has objected on grounds of relevancy, despite the fact that this address was the one previously identified on its website as IIG, s.a.'s address. Please amend the response.

Request No. 15

This Request seeks an admission that Applicant has been investigated by Interpol. Applicant has objected on grounds of relevancy and states that it "lacks knowledge and information with respect to any investigation being conducted of Applicant by Interpol and is not aware of the same." Applicant's objection is not well-founded. These matters are relevant as they relate to the use and image portrayed by the mark and the potential for taint and tarnishing of Opposer's IIG Marks. Please amend the response.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

INTERNATIONAL INVESTMENT GROUP,)	
L.L.C.,)	
)	Opposition No. 91178514
Opposer,)	
)	Serial Nos. 78/840,184 & 78/840,194
v.)	
)	Mark: IIG
IIG S.A.,)	
)	
Applicant.)	
)	

**OPPOSER'S MOTION TO TEST THE SUFFICIENCY OF
APPLICANT'S RESPONSE TO OPPOSER'S REQUEST FOR ADMISSION**

EXHIBIT 4

TROUTMAN SANDERS LLP

ATTORNEYS AT LAW
A LIMITED LIABILITY PARTNERSHIP

1880 INTERNATIONAL DRIVE
SUITE 600, TYSONS CORNER
MCLEAN, VIRGINIA 22102-3805
www.troutmansanders.com
TELEPHONE: 703-734-4334
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Elizabeth Billingsley
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Direct Dial: 703-734-4075
Direct Fax: 703-448-8501

July 1, 2008

VIA FIRST-CLASS MAIL AND ELECTRONIC MAIL

Barbara H. Loewenthal, Esq.
Gottlieb, Rackman & Reisman, P.C.
270 Madison Avenue
New York, NY 10016-0601

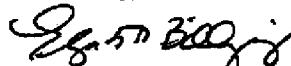
Re: *The International Investment Group, LLC v. IIG, s.a.*;
Opposition No. 91178514 in the United States Patent and Trademark Office Before the
Trademark Trial and Appeal Board

Dear Ms. Loewenthal:

We were disappointed that we did not hear from you with respect to the proposed teleconference for this morning at 10 a.m. to discuss the deficiencies in Applicant's discovery responses. We propose rescheduling for 10 a.m. on Wednesday, July 2, 2008. To participate, please call 1-800-240-1720 and enter participant passcode 10133868# and you will be connected to the call.

If this time is inconvenient, please propose an alternative time. Karl and I are available any time today or tomorrow. I look forward to hearing from you soon.

Sincerely,


Elizabeth Billingsley

cc: Karl Zielaznicki, Esq. (via electronic mail)
Sharon Stern, Esq. (via electronic mail)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

INTERNATIONAL INVESTMENT GROUP,)	
L.L.C.,)	
)	Opposition No. 91178514
Opposer,)	
)	Serial Nos. 78/840,184 & 78/840,194
v.)	
)	Mark: IIG
IIG S.A.,)	
)	
Applicant.)	
)	

**OPPOSER'S MOTION TO TEST THE SUFFICIENCY OF
APPLICANT'S RESPONSE TO OPPOSER'S REQUEST FOR ADMISSION**

EXHIBIT 5

**United States Patent and Trademark Office**[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)***Electronic System for Trademark Trials and Appeals*****Receipt**

Your submission has been received by the USPTO.
The content of your submission is listed below.
You may print a copy of this receipt for your records.

ESTTA Tracking number: **ESTTA152620**Filing date: **07/23/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	The International Investment Group L.L.C.
Granted to Date of previous extension	07/22/2007
Address	1500 Broadway, 17 Floor New York, NY 10036 UNITED STATES

Attorney information	Karl M. Zielaznicki, Esq. Troutman Sanders LLP 600 Peachtree St., NE, Suite 5200 Atlanta, GA 30308-2216 UNITED STATES trademarks@troutmansanders.com Phone:2127046125
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Applicant Information

Application No	78840194	Publication date	01/23/2007
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Opposition Filing Date	07/23/2007	Opposition Period Ends	07/22/2007
Applicant	IIG s.a. Advanced Tower, 2nd Floor Calle Ricardo Aria Panama City, 0823-01310, PANAMA		

Goods/Services Affected by Opposition

Class 036. First Use: 2004/04/14 First Use In Commerce: 2004/04/14
All goods and services in the class are opposed, namely: Banking; Insurance brokerage

Applicant Information

Application No	78840184	Publication date	01/23/2007
Opposition Filing Date	07/23/2007	Opposition Period Ends	
Applicant	IIG s.a. Advanced Tower, 2nd Floor Calle Ricardo Aria Panama City, 0823-01310, PANAMA		

Goods/Services Affected by Opposition

Class 036. First Use: 2006/03/14 First Use In Commerce: 2006/03/16
All goods and services in the class are opposed, namely: Banking; Insurance brokerage

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Other	fraud as to claimed first use dates

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	77113244	Application Date	02/22/2007

Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	IIG		
Design Mark	77113244#TMSN.jpeg		
Description of Mark	The mark consists of The letter IIG with accompanied by a globe design.		
Goods/Services	<p>Class 036. First use: First Use: 1994/12/00 First Use In Commerce: 1994/12/00</p> <p>financial and investment advice, planning and research; fund and private investment fund management; financial services for sophisticated investors, namely, offering private investment fund investment products; financial investment services on behalf of institutional and retail investors; providing a website featuring finance and investment management services; fund investment, management and consultation services; fund investment consultation and capital investment consultation, private investment funds services, investment of funds for others; managing investments; financial management; financial portfolio management; funds-of-funds and related investment management activities; arranging, safeguarding and administration of assets; investment management services; asset management services, investment of funds; capital investment; consulting services and providing information in the fields of finance and investment; managing investment funds and single client accounts on behalf of third-party investors; capital investments and savings services; services relating to investment in funds, companies, shares and/or money; private equity services; hedge fund services; trade finance and asset based lending, advisory and consultancy services relating to all the aforesaid services</p>		

Attachments	77113244#TMSN.jpeg (1 page)(bytes) iigopppositionDocument.pdf (3 pages)(90563 bytes)
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Signature	/kmz/
Name	Karl M. Zielaznicki, Esq.
Date	07/23/2007

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As grounds for opposition, it is alleged:

1. The International Investment Group L.L.C. ("Opposer") is a leading investment management firm in the alternative investment market. Since 1994, Opposer has offered its asset management and financial advisory services in the United States and abroad under its trademarks, service marks and trade names all containing the mark "IIG" (the "IIG Marks"). Opposer has used and continues to use its IIG Marks in interstate commerce since 1994 on or in connection with the following services:

financial and investment advice, planning and research; fund and private investment fund management; financial services for sophisticated investors, namely, offering private investment fund investment services; financial investment services on behalf of institutional and retail investors; providing a website featuring finance and investment management services; fund investment, management and consultation services; fund investment and capital investment consultation, private investment funds services; investment of funds for others; managing investments; financial management; financial portfolio management; funds-of-funds and related investment management activities; arranging, safeguarding and administration of assets; investment management services; asset management services; investment of funds; capital investment; consulting services and providing information in the fields of finance and investment; managing investment funds and single client accounts on behalf of third-party investors; capital investments and savings services; services relating to investments in funds, companies, shares and/or money; private equity services; hedge fund services; trade finance and asset based lending;

advisory and consultancy services relating to all the aforesaid services (hereinafter, "Opposer's Services").

2. Opposer is also the owner of the following pending application:

MARK	APPLICATION NO.	FILING DATE
IIG logo	77113244	February 22, 2007

3. Upon information and belief, members of the trade and customers commonly use "IIG" when referring to Opposer and Opposer's Services.

4. By virtue of said usage above, the IIG Marks have become distinctive and exclusively identified with Opposer and Opposer's Services in the United States through continuous use since the first use dates set forth herein.

5. On March 17, 2006, IIG s.a. ("Applicant") filed US Trademark Application Serial Nos. 78840184 seeking registration for the mark IIG and design and 78840194 seeking registration of the mark IIG in the United States Patent and Trademark Office (hereinafter, "Applicant's IIG Marks") in International Class 36 for banking and insurance brokerage services (the "Applicant's Services").

6. Upon information and belief, Applicant's Services offered under the Applicant's IIG Marks are likely to be offered to the same customers and through the same channel of trade as the Opposer's Services offered under its IIG Marks.

7. Opposer believes and alleges that the continued use and proposed registration of Applicant's IIG Marks as claimed in Application Serial Nos. 78840184 and 78840194 are likely to cause confusion, or mistake or deception of customers as to the respective marks owned by the parties at hand and as well as to the sources of the services offered by Applicant and Opposer respectively or to deceive, mislead the trade and public in general to believe that Opposer is the source of Applicant's Services offered under Applicant's IIG Marks and/or that

Applicant's Services offered under Applicant's IIG Marks are sponsored, licensed, approved or endorsed by Opposer.

8. Applicant's continued use and proposed registration of Applicant's IIG Marks for Applicant's Services as claimed in Application Serial Nos. 78840184 and 78840194 are likely to cause confusion with Opposer's rights in its IIG Marks in violation of Section 2(d) of the Trademark Act of 1946, as amended. (15 U.S.C. § 1052(d)).

9. Applicant's continued use and registration of Applicant's IIG Marks for Applicant's Services as claimed in Application Serial Nos. 78840184 and 78840194 are calculated or likely to cause irreparable loss, injury and damage to Opposer's reputation and would permit Applicant to trade on Opposer's rights and goodwill in its IIG Marks.

10. Applicant's IIG Marks as claimed in Application Serial Nos. 78840184 and 78840194 are a misappropriation of Opposer's prior rights in its IIG Marks and any use and registration of the same by Applicant will disparage and falsely suggest a connection with Opposer in violation of Section 2(a) of the Trademark Act of 1946, as amended. (15 U.S.C. § 1052(a)) resulting in irreparable harm and injury to Opposer.

11. Upon information and belief, Applicant failed to use Applicant's IIG Marks as set forth in Application Serial Nos. 78840184 and 78840194 in interstate commerce prior to the claimed first use dates therein.

WHEREFORE, Opposer prays that this Opposition be sustained and that Application Serial No. 78840184 and 78840194 be refused registration.